

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

UNITED STATES OF AMERICA                    §  
Vs.    §                    CRIM ACTION NO. 6:04CR74(9)  
JOHN LEWIS DICK                               §

ORDER OF DETENTION PENDING SENTENCING

On this date, the Defendant pled guilty to Count 19 of the Superseding Indictment pursuant to a plea agreement. Count 19 of the Superseding Indictment charges the Defendant with possession with intent to distribute and distribution of crack cocaine, in violation of Title 21, United States Code, Section 841(a)(1). The maximum sentence the Defendant is facing in this case is twenty years imprisonment. 21 U.S.C. § 841(c). Pursuant to 18 USC § 3143(a)(2), a defendant found guilty of a drug offense with a maximum sentence of at least 10 years **shall** be detained pending sentencing unless –

- (A)(i) the judicial officer finds a substantial likelihood that a motion for acquittal or new trial will be granted; or
- (ii) an attorney for the Government has recommended that no sentence of imprisonment be imposed on the person; **and**
- (B) the judicial officer finds by clear and convincing evidence that the person is not likely to flee or pose a danger to any other person or the community.

No grounds for a motion for acquittal or new trial are apparent and the Government has not

recommended that no sentence of imprisonment be imposed. As a result, the Defendant has not satisfied section (A) and she shall be detained pending sentencing. The Defendant previously waived his right to a detention hearing and was remanded to the custody of the U.S. Marshal.

In light of the foregoing, it is hereby

**ORDERED** that the Defendant shall remain **DETAINED** pending sentencing.

So **ORDERED** and **SIGNED** this **14** day of **April, 2005**.

  
JUDITH K. GUTHRIE  
UNITED STATES MAGISTRATE JUDGE